

Utah's Dispute Resolution System Overview

4 procedures available

1. Problem Solving Facilitation
2. Formal State Complaint
3. Mediation
4. Due Process Hearing

These procedures are not sequential. However, Problem Solving Facilitation cannot proceed if a Formal Complaint, Mediation, or Due Process Hearing request is filed. A Formal Complaint cannot proceed if a Due Process Hearing request is filed.

1. PROBLEM SOLVING FACILITATION

- State early dispute resolution procedure available at any time, before a State Complaint, Mediation, or Due Process Hearing request is filed.
- Both parties must agree.
- Issues of disagreement must be specified, and how they violate IDEA described.
- No timeline.

2. STATE (FORMAL) COMPLAINT

- Filed with Superintendent of district and copied to Utah State Office of Education, Nan Gray, State Director of Special Education.
- State Complaint Form on website or may be a letter with required elements
- Describe alleged violations of IDEA with respect to individual student.
- Describe proposed solutions to the problems.
- District has 30 days to investigate and write decision.
- Parent may appeal decision to USOE with 10 days of district decision if disagree.
- USOE completed independent investigation before total of 60 days, unless parties agree to extend for some significant reason.

3. MEDIATION

- Any party may request at any time during the IDEA process.
- Both parties must agree to mediate or mediation will not occur.
- Filed with Superintendent of district and copied to Utah State Office of Education, Nan Gray, State Director of Special Education.
- Describe the problem.
- Describe alleged violations of IDEA with respect to individual student.
- Describe proposed solutions to the problems.
- USOE assigns mediator and absorbs costs of the mediation sessions.
- Attorneys not usually present.
- Discussions during mediation confidential.
- Mediation agreement is binding and may be enforced in court of law.
- No timeline.

4. DUE PROCESS HEARING REQUEST

- Filed with Superintendent of district and copied to Utah State Office of Education, Nan Gray, State Director of Special Education.
- Describe problems.
- Describe alleged violations of IDEA with respect to individual student.
- Describe proposed solutions to the problems.
- Mandatory Resolution Session initiated within 15 days; resolution completed within 30 days, if resolution is possible.
- Hearing completed within 45 days; timeline starts after resolution session time is completed.
Due Process Hearing is like court; rules of evidence, witnesses sworn in, procedures during hearing.
- It is advisable for both parties to have attorneys.
- Hearing Officer decision binding upon both parties.

Forms

The SEA has forms for requests for these dispute resolution procedures:

- DR 1a Intake for Problem Solving Facilitation
- DR 2a State Formal Complaint
- DR 3a Mediation
- DR 4a Due Process Hearing Request

PROCEDURES to FOLLOW

If the SEA receives a:	Then:
Problem Solving Facilitation Request	<ol style="list-style-type: none">1. Fill out intake form 1a.2. Assign a Facilitator from list, considering location, availability, and base knowledge.3. Make sure Facilitator has all forms and knows what to do.4. Track progress and meet with Management Team if two months go by.
State (Formal) Complaint	<ol style="list-style-type: none">1. Send letter DR 2a to the Superintendent of Schools, copy to Director of Special Education in district, and to Nan.2. Log date received and timelines.3. If parent appeal after LEA decision, investigate via phone, documents, and interviews.4. Write decision within 60 days, send to parent, LEA, and Nan.5. Monitor implementation of corrective actions ordered, if any.
Mediation Request	<ol style="list-style-type: none">1. Call and assign next Mediator on list.2. Send letter DR3b to LEA, parent, and Mediator.3. Keep in contact with Mediator to see how it is proceeding.4. Keep copy of Mediation agreement, and monitor implementation.
Due Process Hearing Request	<ol style="list-style-type: none">1. Call and assign next Due Process Hearing Officer on list.2. Send letter DR4b to LEA, parent, and DPHO.3. Keep in contact with DPHO to see how it is proceeding.4. Keep copy of DPHO decision, and monitor implementation.
Mandatory Resolution Session	LEA must call Resolution Session within 15 days (if LEA claims complaint is not sufficient, within 5 days the DPHO must find complaint sufficient or insufficient). Ask LEA if a facilitator is desired for the Resolution Session. Assign one from list. Remember, the LEA and parent may work at resolution up to 30 days. At the end of that time, or if they declare impasses prior, the 45 day timeline for Due Process Hearing begins.